APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,771	08/01/2003	Ronald N. Shostack	DATE-0010	3087

23377   7590   08/10/2005

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EXAMINER
MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	Application No.	Applicant(s)
		10/632,771	SHOSTACK ET AL.
		Examiner	Art Unit
		Adnan M. Mirza	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 August 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 August 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>01/29/2004</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over and

further in view of Tang et al (U.S. 5,793,365) and "HOT or NOT" (www.hotornot.com)

(2000-2003).

As per claims 1,12 Tang disclosed a method for matching members of an online

community based on personal profile characteristics including physical attractiveness,

comprising the steps of: accepting and posting photographic images of respective

members of the online community (col. 3, lines 39-52); and facilitating a search of a

member database by a member of the online community for other members of the online

community having physical attractiveness rankings in a range specified by the member

(col. 5, lines 13-41).

However Tang did not disclose in detail "accepting rankings of the physical

attractiveness of the respective members of the online community from other members of

the online community".

In the same field of endeavor HOTorNOT disclosed the accepting rankings of the

physical attractiveness of the respective members of the online community from other

members of the online community storing accumulated community rankings of the

physical attractiveness of the respective members of the online community with other

characteristic data of the respective members of the online community

(www.hotornot.com).

It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to have incorporated the accepting rankings of the physical

attractiveness of the respective members of the online community from other members of

the online community storing accumulated community rankings of the physical

attractiveness of the respective members of the online community with other

characteristic data of the respective members of the online community as taught by

HotorNot in the method of Tang to make the dating method more versatile and increase

the matching capability.

2.   As per claims 2,13 Tang-HotorNot disclosed wherein said step of storing

accumulated community rankings of the physical attractiveness of the respective

members of the online community comprises the steps of determining a percentage of

members who rated a particular member to be physically attractive and placing said

particular member in a community group including members having an accumulated

community ranking in a range including said percentage, whereby said search step

includes the step of searching the member database for members of selected ones of said

community groups (www.hotornot.com).

3.   As per claims 3,14 Tang-Hotornot disclosed wherein said search step includes the

steps of returning search results including profiles of members of the online community

that have been ranked by the member as being in said range specified by the member and

excluding in said search results profiles of members of the online community that have

been ranked by the member as being outside said range specified by the member

(www.hotornot.com).

4.   As per claims 4,15 Tang-HotorNot disclosed wherein search results are returned

in said searching step for a range of community groups, specified by a searching member,

about the community group to which the searching member is assigned

(www.hotornot.com).

5.   As per claims 5,16 Tang-Hotornot disclosed wherein said step of storing

accumulated community rankings of the physical attractiveness of the respective

members of the online community comprises the step of ranking the physical

attractiveness of a target member of the online community on a numerical scale and said

search step includes the steps of returning search results including profiles of members of

the online community that have been ranked by the member as being in said range

specified by the member and excluding in said search results profiles of members of the

online community that have been ranked by the member as being outside said range

specified by the member (www.HotorNot.com).

6.   As per claims 6,17 Tang-HotorNot disclosed wherein said step of storing

accumulated community rankings of the physical attractiveness of the respective

members of the online community comprises the step of ranking the physical

attractiveness of a target member of the online community on a numerical scale and said

search step includes the steps of returning search results including profiles of members of

the online community that are ranked by other members of the online community having

a physical attractiveness ranking that is similar to the physical attractiveness ranking of

the member as being in said range specified by the member and excluding in said search

results profiles of members of the online community that have been ranked by said other

members as being outside said range specified toy the member (www.hotornot.com).

7.   As per claims 7,18 Tang-HotorNot further comprising the step of permitting a

member ranking a target member to specify whether or not the target member is to be

notified that the target member has been ranked by said member (www.hotornot:com).

8.   As per claims 8,19 Tang-HotorNot further comprising the step of adjusting ranges

of accumulated community rankings defining said community groups for the member

based on the degree of harshness to which that member ranks the physical attractiveness

of the other community members (Tang, col. 5, lines 1-12).

9.   As per claims 9,20 Tang-HotorNot disclosed further comprising the step of

adjusting rankings of target members based on a validity factor for each ranking from

members in a group having similar accumulated community rankings, whereby rankings

of target members are proportioned relatively evenly across different groups having

similar accumulated community rankings, said validity factor assuring a relatively even

weighted average of each ranking across all of said different groups

(www.hotornot.com).

10.   As per claims 10,21 Tang-hotornot.com further comprising the step of restricting

the display of a member's personal profile characteristics to other members of the online

community in accordance with the physical attractiveness of the other members of the

online community as determined by each member's accumulated community ranking

(Tang, col. 8, lines 29-51).

11.   As per claims 11,22 Tang-HotorNot.com further comprising the step of restricting

the display of the member's personal profile characteristics while in a chat room so that

only other members in the chat room having an accumulated community ranking in a

range specified by the member may see the member's personal profile characteristics

(Tang, col. 4, lines 14-27).

Conclusion

12.   Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

13.   The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on (571)- 272-6159. The fax for this group is (703)-746-7239.

14.   The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

15.   Any Inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)-305-

3900.

Ann

Adnan Mirza

Examiner

JASON CARDONE
PRIMARY EX 2145